



General Assembly

January Session, 2011

Amendment

LCO No. 6089

SB0111206089SR0

Offered by:
SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. 1112

File No. 454

Cal. No. 272

"AN ACT CONCERNING BOATING UNDER THE INFLUENCE."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 14-387 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 No person shall operate a snowmobile or all-terrain vehicle in the
6 following manner: (1) On any public highway, except such
7 snowmobile or all-terrain vehicle, if operated by a licensed motor
8 vehicle operator, may cross a public highway if the crossing is made at
9 an angle of approximately ninety degrees to the direction of the
10 highway and at a location where no obstruction prevents a quick and
11 safe crossing, the snowmobile or all-terrain vehicle is completely
12 stopped before entering the traveled portion of the highway and the
13 driver yields the right-of-way to motor vehicles using the highway,
14 provided nothing in this subsection shall be construed to permit the
15 operation of a snowmobile or all-terrain vehicle on a limited access

16 highway, as defined in subsection (a) of section 13a-1; (2) in such a
17 manner that the exhaust of the snowmobile or all-terrain vehicle makes
18 an excessive or unusual noise; (3) without a functioning muffler,
19 subject to the provisions of section 14-80, properly operating brakes,
20 sufficient and adequate front and rear lighting and reflecting devices,
21 except an all-terrain vehicle with an engine size of ninety cubic
22 centimeters or less shall not be required to be equipped with front and
23 rear lighting and shall not be operated after dark; (4) in any manner
24 which would cause harassment of any game or domestic animal; (5) on
25 any land without the written permission of the owner, or the agent of
26 the owner, or in the case of state-owned land, without the written
27 permission of the state agency or institution under whose control such
28 land is, or in the case of land under the jurisdiction of a local
29 municipality without the written permission of such municipality,
30 which written permission shall be carried on the person operating the
31 all-terrain vehicle while on such land; and (6) on any railroad right-of-
32 way. Nothing in sections 14-379 to 14-390, inclusive, shall preclude the
33 operation of a snowmobile or all-terrain vehicle (A) on the frozen
34 surface of any public body of water, provided any municipality may
35 by ordinance regulate the hours of operation of snowmobiles and all-
36 terrain vehicles on public waters within such municipality and
37 provided the operation of a snowmobile or all-terrain vehicle shall be
38 subject to the provisions of section 25-43c; or (B) on any abandoned or
39 disused railroad right-of-way or in any place or upon any land
40 specifically designated for the operation of snowmobiles and all-
41 terrain vehicles by statute, regulation or local ordinance. Any person
42 who violates any provision of this section shall have committed a
43 separate [infraction] offense for each such violation.

44 Sec. 502. Section 14-388 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective October 1, 2011*):

46 Except as otherwise provided, any person who violates any of
47 sections 14-379 to 14-390, inclusive, or any regulation relating thereto
48 shall have committed an infraction for each such offense, except that
49 any person who violates subdivision (5) of section 14-387, as amended

50 by this act, shall be fined one hundred eighty dollars. In addition
51 thereto the operator or owner, or both, of a snowmobile or all-terrain
52 vehicle, shall be responsible and held accountable to the owner of any
53 land where trees, shrubs, crops, fences or other property have been
54 damaged as a result of travel of such snowmobiles or all-terrain
55 vehicles over such land, or where consequential damage has resulted
56 from such travel. Proof of the registration number of the snowmobile
57 or all-terrain vehicle shall be prima facie evidence in any prosecution
58 or action for damages that the owner was the operator.

59 Sec. 503. Section 51-164n of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective October 1, 2011*):

61 (a) There shall be a Centralized Infractions Bureau of the Superior
62 Court to handle payments or pleas of not guilty with respect to the
63 commission of infractions and violations under subsection (b) of this
64 section. Except as provided in section 51-164o, any person who is
65 alleged to have committed an infraction or a violation under
66 subsection (b) of this section may plead not guilty or pay the
67 established fine and any additional fee or cost for the infraction or such
68 violation.

69 (b) Notwithstanding any provision of the general statutes, any
70 person who is alleged to have committed (1) a violation under the
71 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
72 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
73 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
74 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
75 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
76 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
77 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
78 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
79 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
80 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
81 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
82 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b

83 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
84 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
85 14-153 or 14-163b, a first violation as specified in subsection (f) of
86 section 14-164i, section 14-219 as specified in subsection (e) of said
87 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
88 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
89 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
90 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
91 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
92 14-386a, subdivision (5) of section 14-387, as amended by this act,
93 section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e,
94 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24,
95 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137
96 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,
97 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-
98 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
99 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
100 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e,
101 section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47,
102 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of
103 section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b)
104 of section 21a-79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15,
105 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
106 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
107 111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342,
108 subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-
109 413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-
110 250, subsection (e) of section 22a-256h, section 22a-381d, 22a-449, 22a-
111 461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65,
112 section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-
113 59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-
114 132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-
115 13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or
116 (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243,
117 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381,

118 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18,
119 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,
120 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of
121 section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
122 134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230,
123 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
124 section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk,
125 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252,
126 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344
127 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a
128 violation of any regulation adopted in accordance with the provisions
129 of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,
130 regulation or bylaw of any town, city or borough, except violations of
131 building codes and the health code, for which the penalty exceeds
132 ninety dollars but does not exceed two hundred fifty dollars, unless
133 such town, city or borough has established a payment and hearing
134 procedure for such violation pursuant to section 7-152c, shall follow
135 the procedures set forth in this section.

136 (c) If any person who is alleged to have committed an infraction or
137 any violation specified in subsection (b) of this section elects to pay the
138 fine and any additional fees or costs established for such infraction or
139 violation, he shall send payment, by mail or otherwise, to the
140 Centralized Infractions Bureau, made payable to the "clerk of the
141 Superior Court". Such payment shall be considered a plea of nolo
142 contendere and shall be inadmissible in any proceeding, civil or
143 criminal, to establish the conduct of the person, provided the
144 provisions of this section and section 51-164m shall not affect the
145 application of any administrative sanctions by either the
146 Commissioner of Environmental Protection authorized under title 26
147 or the Commissioner of Motor Vehicles authorized under title 14,
148 except that no points shall be assessed by the Commissioner of Motor
149 Vehicles against the operator's license of such person for such
150 infraction or violation. The Judicial Department shall provide notice of
151 the provisions of this subsection to law enforcement agencies and

152 direct each law enforcement agency issuing a complaint to provide
153 such notice to any person who is alleged to have committed a motor
154 vehicle infraction or violation at the time a complaint alleging such
155 conduct is issued to such person.

156 (d) If the person elects to plead not guilty, he shall send the plea of
157 not guilty to the Centralized Infractions Bureau. The bureau shall send
158 such plea and request for trial to the clerk of the geographical area
159 where the trial is to be conducted. Such clerk shall advise such person
160 of a date certain for a hearing.

161 (e) A summons for the commission of an infraction or of a violation
162 specified in subsection (b) of this section shall not be deemed to be an
163 arrest and the commission of an infraction or of any such violation
164 shall not be deemed to be an offense within the meaning of section 53a-
165 24.

166 (f) The provisions of this section shall apply to the alleged
167 commission of an infraction or a violation specified in subsection (b) of
168 this section by a minor but, in a case involving a minor, a parent or
169 guardian shall sign any plea of nolo contendere or of not guilty on any
170 summons form issued in connection with the matter.

171 (g) In any trial for the alleged commission of an infraction, the
172 practice, procedure, rules of evidence and burden of proof applicable
173 in criminal proceedings shall apply. Any person found guilty at the
174 trial or upon a plea shall be guilty of the commission of an infraction
175 and shall be fined not less than thirty-five dollars or more than ninety
176 dollars or, if the infraction is for a violation of any provision of title 14,
177 not less than fifty dollars or more than ninety dollars.

178 (h) In any trial for the alleged commission of a violation specified in
179 subsection (b) of this section, the practice, procedure, rules of evidence
180 and burden of proof applicable in criminal proceedings shall apply.
181 Any person found guilty at the trial or upon a plea shall be guilty of
182 the commission of a violation and shall be fined not more than the
183 statutory amount applicable to such violation.

184 Sec. 504. Section 51-56a of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective October 1, 2011*):

186 (a) Each clerk of the Supreme Court and Superior Court shall
187 account for and pay or deposit all fees, fines, forfeitures and
188 contributions made to the Criminal Injuries Compensation Fund and
189 the proceeds of judgments of such clerk's office in the manner
190 provided by section 4-32. If any such clerk fails to so account and pay
191 or deposit, such failure shall be reported by the Treasurer to the Chief
192 Court Administrator who may thereupon remove the clerk. When any
193 such clerk dies before so accounting and paying or depositing, the
194 Treasurer shall require the executor of such clerk's will or
195 administrator of such clerk's estate to so account. If any such clerk is
196 removed from office, the Treasurer shall require such clerk to account
197 for any money of the state remaining in such clerk's hands at the time
198 of such removal and, if such clerk neglects to so account, the Treasurer
199 shall certify the neglect to the Chief Court Administrator.

200 (b) The state shall remit to the municipalities in which the violations
201 occurred all amounts received in respect to the violation of sections 14-
202 251, 14-252, 14-253a and 14-305 to 14-308, inclusive, or any regulation
203 adopted thereunder or ordinance enacted in accordance therewith, and
204 one-half of all amounts received in respect to the violation of
205 subdivision (5) of section 14-387, as amended by this act. Each clerk of
206 the Superior Court or the Chief Court Administrator, or any other
207 official of the Superior Court designated by the Chief Court
208 Administrator, shall, on or before the thirtieth day of January, April,
209 July and October in each year, certify to the Comptroller the amount
210 due for the previous quarter under this subsection to each
211 municipality served by the office of the clerk or official, provided prior
212 to the institution of court proceedings, a city, town or borough shall
213 have the authority to collect and retain all proceeds from parking
214 violations committed within the jurisdiction of such city, town or
215 borough.

216 (c) For the purpose of providing additional funds for municipal and

217 state police training, each person who pays in any sum as (1) a fine or
218 forfeiture for any violation of section 14-12, 14-215, 14-219, 14-222, 14-
219 224, 14-225, 14-227a, 14-266, 14-267a, 14-269 or 14-283, or (2) a fine or
220 forfeiture for any infraction, shall pay an additional fee of one dollar
221 for each eight dollars or fraction thereof of the amount such person is
222 required to pay, except if such payment is made for violation of such a
223 section which is deemed to be an infraction, such additional fee shall
224 be only on the first eighty-eight dollars of such fine or forfeiture. Such
225 additional fee charged shall be deposited in the General Fund.

226 (d) Each person who pays in any sum as a fine or forfeiture for any
227 violation of sections 14-218a, 14-219, 14-222, 14-223, 14-227a, sections
228 14-230 to 14-240, inclusive, sections 14-241 to 14-249, inclusive, section
229 14-279 for the first offense, sections 14-289b, 14-299, 14-301 to 14-303,
230 inclusive, or any regulation adopted under said sections or ordinance
231 enacted in accordance with said sections shall pay an additional fee of
232 ten dollars. The state shall remit to the municipalities in which the
233 violations occurred the amounts paid under this subsection. Each clerk
234 of the Superior Court or the Chief Court Administrator, or any other
235 official of the Superior Court designated by the Chief Court
236 Administrator, on or before the thirtieth day of January, April, July
237 and October in each year, shall certify to the Comptroller the amount
238 due for the previous quarter under this subsection to each
239 municipality served by the office of the clerk or official."